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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

WASHIZU, Masao et al.

Serial No.: 09/833,566

Filed: April 13, 2001

Group Art Unit: 1753

Examiner: Kaj K OLSEN

P.T.O. Confirmation No.: 2583

FOR: ELECTRODE FOR DIELECTROPHORETIC APPARATUS, DIELECTROPHORETIC APPARATUS, METHOD FOR MANUFACTURING THE SAME, AND METHOD FOR SEPARATING SUBSTANCES USING THE ELECTRODE OR DIELECTROPHORETIC APPARATUS

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: March 25, 2004

Sir:

In response to the Notice dated March 18, 2004 (copy attached), applicant submits herewith Figs. 6 through 11 Annotated Marked-Up Drawing Sheets and Figs. 6-11 Replacement Sheets which were previously submitted with the Amendment in response to the Office Action dated September 25, 2003.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP

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23850

PATENT TRADEMARK OFFICE

Enclosures: Copy of Notice; Figs. 6-11 Replacement Sheets; Figs. 6-11 Annotated Marked-Up Drawing Sheets



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,566	04/13/2001	Masao Washizu	010516	2583

23850 7590 03/18/2004

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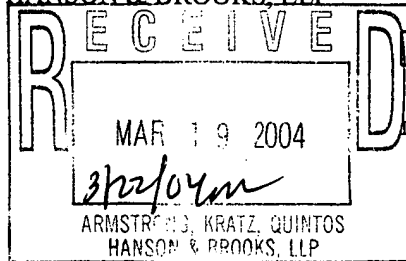
EXAMINER

OLSEN, KAJ K

ART UNIT PAPER NUMBER

1753

DATE MAILED: 03/18/2004



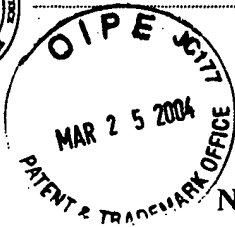
1 mo Response
DUE: APRIL 18, 2004

Please find below and/or attached an Office communication concerning this application or proceeding.

BOOKETED	for NF
DATE	3/22/04



UNITED STATES PATENT AND TRADEMARK OFFICE



09/833,566

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ALEXANDRIA, VA 22313-1450
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 02/25/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☒ 3. Amendments to the drawings: Each sheet of replacement or annotated drawings must be as "replacement" or "annotated."
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflver.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Minda Nelson
Legal Instruments Examiner (LIE)

571-272-1035
Telephone No.